

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rule making related to human trafficking prevention training and reporting

The Public Safety Department hereby adopts new Chapter 29, “Human Trafficking Prevention Training—Lodging Providers,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 80.45A(7).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 80.45A.

Purpose and Summary

This rule making implements the human trafficking prevention training and reporting for employees of Iowa lodging providers, as required in order to accept public funds for lodging, conferences, meetings, etc. The Act codified in Iowa Code section 80.45A was enacted by the Legislature in the 2020 Legislative Session to assist in the accurate and prompt identification, reporting, and response by lodging providers to suspected human trafficking.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 14, 2021, as **ARC 5780C**. No public comments were received. Minor changes from the Notice have been made for clarity.

Adoption of Rule Making

This rule making was adopted by the Department on September 21, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Pursuant to the provisions of rule 661—10.222(17A), the Department does not have authority to waive requirements established by statute. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the provisions of rule 661—10.222(17A).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on November 24, 2021.

The following rule-making action is adopted:

Adopt the following **new** 661—Chapter 29:

CHAPTER 29

HUMAN TRAFFICKING PREVENTION TRAINING—LODGING PROVIDERS

661—29.1(80) Definitions. The definitions in Iowa Code section 80.45A(1) are adopted and incorporated herein.

661—29.2(80) Establishment of training program. The department of public safety’s human trafficking prevention training program certifies a lodging provider’s voluntary completion of human trafficking prevention training. The program is established pursuant to Iowa Code section 80.45A. No lodging provider may accept public funds from a public employer or public employee without first receiving certification by the commissioner.

661—29.3(80) Human trafficking prevention training program content. In order to receive approval by the commissioner, human trafficking prevention training shall include, at a minimum, all of the following:

29.3(1) A general overview of human trafficking.

29.3(2) A general overview of state law on human trafficking.

29.3(3) The definition of human trafficking and the commercial exploitation of children.

29.3(4) Guidance on the difference between labor trafficking and sex trafficking.

29.3(5) Guidance on how to recognize potential human trafficking victims.

29.3(6) Guidance on how to recognize potential human traffickers.

29.3(7) Guidance on how to identify activities commonly associated with human trafficking.

29.3(8) Safe and effective responses to human trafficking situations, including but not limited to how to report suspected human trafficking to proper law enforcement officials.

661—29.4(80) Training providers.

29.4(1) Training. Human trafficking prevention training that meets the criteria of rule 661—29.3(80) may be offered by the office to combat human trafficking, a governmental agency, or a nongovernmental agency or community organization that has expertise in the area of human trafficking and approval by the commissioner. A list of certified training providers is maintained on the office to combat human trafficking website.

29.4(2) Approval process for organizations. Organizations shall not issue human trafficking prevention training certifications to lodging providers for purposes of this rule prior to receiving approval by the commissioner. To receive approval to conduct a training program, a training provider must apply through the office to combat human trafficking website and provide sufficient information to establish the training program meets the requirements of rule 661—29.3(80).

661—29.5(80) Certification for lodging providers and their employees. Beginning January 1, 2022, lodging providers, in order to accept public funds for any of the purposes stated in Iowa Code section 80.45A(5) “c,” must complete and certify to the commissioner that each of the lodging provider’s employees has completed human trafficking prevention training. All current, certified lodging providers are listed on the office to combat human trafficking website.

29.5(1) Application. Any lodging provider seeking certification of completed human trafficking prevention training shall submit a completed application form to the office to combat human trafficking website. The online application form shall not be considered complete unless all required information is submitted, including verification of employee training certificates, and shall not be processed until it is complete.

NOTE: The website for human trafficking prevention training and certification for employees, lodging providers, and training providers is www.stopthiowa.org.

29.5(2) *Fee.* There is no fee for lodging providers to request or renew a trafficking prevention training certification. Approved organizational training providers, under subrule 29.4(2), may charge fees for training programs; however, lodging providers are under no obligation to utilize such training providers.

29.5(3) *Maintenance of records.* Lodging providers shall maintain up-to-date human trafficking prevention training certification records on all current employees, at all times, in order to maintain a valid certification. A lodging provider shall produce human trafficking prevention training records for each employee and complete employee lists upon request by the office to combat human trafficking at any time.

29.5(4) *Revocation.* The commissioner has authorized the office to combat human trafficking to revoke a lodging provider's certification at any time. If all employees of a certified lodging provider fail to renew their trainings every three years, the office to combat human trafficking shall remove the lodging provider from the approved list of providers and revoke the lodging provider's certification. Failure to maintain records of individual employee certifications may result in the revocation of a lodging provider's certification.

29.5(5) *Certification expiration.* All human trafficking prevention training certificates issued by the office to combat human trafficking shall bear an expiration date. All employees of a certified lodging provider must complete approved human trafficking prevention training every three years for the lodging provider to maintain a valid certification and to receive public funds.

29.5(6) *Grace periods.* Lodging providers are responsible for ensuring lodging certifications are current and valid, and that new employees successfully complete human trafficking prevention training. Employees shall have a grace period of 30 days from when their previous training certificate expires to complete a new, approved training. Certificates expire three years from the date on which they were issued.

a. Lodging providers. The application shall be filed no later than 30 days after beginning operation in this state or the date on which an existing training certification expires.

b. Employees of lodging providers. The application shall be filed no later than 30 days after the date of hire or the date on which an existing training certification expires.

These rules are intended to implement Iowa Code section 80.45A.

[Filed 9/21/21, effective 11/24/21]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/20/21.